

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING  
FOAMS PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2:18-mn-2873-RMG

**This Document relates to  
ALL CASES**

**PLAINTIFFS' AND DEFENDANTS' JOINT MOTION  
FOR ENTRY OF AMENDED CASE MANAGEMENT ORDER**

Pursuant to DSC Local Civil Rule 7.01, Co-Lead Counsel for Plaintiffs and Defendants respectfully move this Court to enter the attached Amended CMO 28 (Exhibit 1) regarding personal injury cases that do not fall within CMO 26. The motion is based on the following grounds:

1. On December 5, 2023, the Court ordered the parties to jointly recommend a CMO regarding personal injury cases not addressed by the bellwether program governed by CMO-26 or, in the absence of an agreed proposal, for the PEC and DCC each to submit its own proposal. Dkt. 4149. The parties submitted a proposed CMO 28 by joint motion on March 8, 2024 (Dkt. 4639), and the Court entered CMO 28 on March 13, 2024 (Dkt. 4681).
2. Since the Court entered CMO 28, Co-Lead Counsel have met and conferred regarding the attached amendments to CMO-28, which would clarify that Order in accordance with the parties' original intent. *See* Exhibit 2 (redline of CMO-28 to Proposed Amended CMO 28). Specifically, the parties' original intent was that the dismissal protocol found in paragraph 6 to CMO 28 would apply to all personal injury cases, without regard to the alleged route of exposure. The parties' edits in Proposed Amended CMO 28 clarify this original intent.

Wherefore, Co-Lead Counsel for Plaintiffs and Defendants respectfully request that the Court enter Amended CMO 28 as proposed.

Dated: April 4, 2024

Respectfully submitted,

By: /s/ Liam J. Montgomery

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF system on this 4th day of April 2024 and was thus served electronically upon counsel of record.

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